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CHASE ACCT. 1240606215-66

ATTENTION: Ms. Barbara A. Campbell  
PCT Division

By Telefax (703) 305-<sup>3230</sup>3250

No. of pages including cover sheet 15

(103) 308-4785

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22054

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor                      Harald GENGGER et al  
Patent App.                  09/980,573 (US Nat'l phase of PCT/EP00/03997)  
Filed                         31 October 2001  
For                          DEVICE FOR DETECTING ELECTRICAL POTENTIALS IN  
                              THE FOREHEAD AREA OF A PATIENT  
Art Unit                      Not known  
Hon. Commissioner of Patents  
Washington, DC 20231  
                              PCT Division, Attention: Ms B. A. Campbell

COMMUNICATION

This is in reply to the Notification of Missing Requirements (Form PCT/DO/EO/905) of 5 February 2002. The undersigned filed the Declaration and Power of Attorney on 6 February 2002.

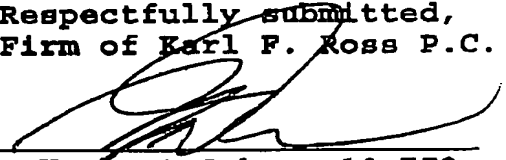
A copy of the confirmation post card as well as a copy of the filed papers are enclosed. Please issue a Notice of Acceptance of Application (Form PCT/DO/EO/903).

The undersigned attorney of record hereby certifies that the enclosed copies are true copies of the papers filed in the above application on 6 February 2002 and respectfully requests that this date be granted as the filing date of the application.

Atty's 22054

Pat. App. 09/980,573

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

  
by: Herbert Dubno, 19,752  
Attorney for Applicant

27 February 2002  
5676 Riverdale Avenue Box 900  
Bronx, NY 10471-0900  
Cust. No.: 535  
Tel: (718) 884-6600  
Fax: (718) 601-1099

rg

Enclosure:

Copies of papers as filed  
on 6 February 2002

22054

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FIRST CLASS MAIL PERMIT NO. 1000 WASHINGTON, D.C.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail or as Express Mail if the number of the Express Mail mailing label is provided below in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on **FEB 6 2002** (Date of Deposit)

**EVO18431275**

Express Mail Label Number

Signature  
The Firm of Karl F. Ross, P.C.

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor **Harald GENGEL et al**  
Patent App. **09/980,573 (US Nat'l phase of PCT/EP00/03997)**  
Filed **31 October 2001**  
For **DEVICE FOR DETECTING ELECTRICAL POTENTIALS IN THE FOREHEAD AREA OF A PATIENT**

Hon. Commissioner of Patents  
Washington, DC 20231

**RECORD OF TRANSMITTAL--PCT APPLICATION**

<input checked="" type="checkbox"/>	PCT Transmittal	
<input type="checkbox"/>	PCT Application	
<input type="checkbox"/>	Translation	
<input type="checkbox"/>	Sheets of Drawing (0)	
<input checked="" type="checkbox"/>	PCT Declaration	
<input type="checkbox"/>	PCT Documents	
<input type="checkbox"/>	International Search Report	
<input type="checkbox"/>	Preliminary Amendment	
<input checked="" type="checkbox"/>	Assignment (with PTO-1595 and sep. PTO-2038)	
<input checked="" type="checkbox"/>	PTO-2038 for Official Fees	
<input checked="" type="checkbox"/>	Late filing	\$130.00
	<b>Total</b>	<b>\$130.00</b>

Please charge any fees not covered by an enclosed PTO-2038 to account 18-2025 of the undersigned.

5 February 2002

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rg

Respectfully submitted,  
The Firm of Karl F. Ross P.C.

Herbert D. D'Amico, Reg. 19,752

*De Segner*  
*2/27/02*

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PTO 1390 Page 1 of 1

US Dept. of Commerce Pat. & Trademark Office

Attorney's Docket No.

22054

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371

US. Application No. (if known)

09/980573

INTERNATIONAL APP. NO.

PCT/EP00/03997

INTERNATIONAL FILING DATE

4 May 2000

PRIORITY DATE CLAIMED

4 May 1999

TITLE OF INVENTION

DEVICE FOR DETECTING ELECTRICAL POTENTIALS IN THE FOREHEAD AREA OF A PATIENT

APPLICANT(S) FOR DO/EO/US

Harald Genger et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EU/US) the following .

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 317(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 USC 371(c)(2)).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Patent Office.
6. ☐ A translation of the International application into English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau.
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3).
9. ☒ An oath or declaration of the inventor(s) (35 USC 371(c)(4).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11. to 16. below concern documents or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An Assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items of information.

US Application no (if known) <b>09/980573</b>	International Application no. <b>PCT/EP00/03997</b>	Attorney's Docket No. <b>22054</b>
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17. The following fees are submitted:

Basic National Fee (37 CFR 1.492(a)(1)-(5):

Search report has been prepared by the EPO or JP ..... \$890.00

Int'l prel. exam. fee paid to USPTO (37 CFR 1.482) ..... \$710.00

No int'l prel. exam. fee paid to USPTO (37 CFR 1.482)  
 but int'l search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$740.00

Neither int'l prel. exam fee (37 CFR 1.482) nor  
 int'l search fee (37 CFR 1.455(a)(2)) paid to USPTO ..... \$1040.00

Intl. prel. exam. fee paid to USPTO (37 CFR 1.482)  
 and all claims satisfied provisions of PCT Art. 33(2-4) ..... \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT

Surcharge of \$130.00 for furnishing oath or declaration later than ☐ 20 ☒ 30  
 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NO. FILED	NO. EXTRA	RATE
Total claims			
Ind. claims			

MULTIPLE DEP. CLAIM(S) (if applicable) (see prel. amt.)

**TOTAL OF ABOVE CALCULATIONS** **\$130**

Reduction of 1/4 for filing by small entity, if applicable. Verified Small Entity Statement  
 must also be filed (37 CFR 1.2, 1.27, 1.28) **\$0**

**SUBTOTAL** **\$130**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
 months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE** **\$130**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The Assignment may be  
 accompanied by an appropriate PTO-1595 cover sheet (37 CFR 3.28, 3.39) **\$40**

**TOTAL FEES ENCLOSED** **\$170**

CALCULATIONS PTO USE ONLY

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☐ A check in the amount of \$130 to cover the above fees is enclosed  
☐ Please charge my deposit account 18-2025 \$00.00 to cover the above fees. A copy of this sheet is enclosed.  
☒ Please charge the amount due to the credit card identified in the attached PTO-2038.  
☒ The commissioner is authorized to charge any additional fees which may be required or credit any overpayment to deposit  
 account 18-2025. A copy of this sheet is enclosed  
☒ A PTO-2038 in the amount of \$40 to cover recordal of the Assignment is enclosed

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive  
 (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

Send all correspondence to:

**The Firm of Karl F. Ross P.C.**  
**5676 Riverdale Ave. Box 900**  
**Riverdale (Bronx), NY 10471**

**Herbert Dubno, Reg. No. 19,752**

**COPY**

22054

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: My residence, post-office address, and citizenship are as stated below next to my name,  
I believe that I am an original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**DEVICE FOR DETECTING ELECTRICAL POTENTIALS IN THE FOREHEAD AREA OF A PATIENT**

the specification of which was filed on 4 May 2000 as PCT application PCT/EP00/03997.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56. I hereby claim foreign priority benefits under 35 USC 119 of any foreign applications for patent or inventor's certificate listed below and have also identified below any foreign applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications**

Country	Number	Filing Date	Priority claimed
DE	19920433.0	4 May 1999	Yes
DE	19936505.9	5 August 1999	Yes
DE	29917806.4	8 October 1999	Yes
DE	19956841.3	26 November 1999	Yes

I hereby claim the benefit under 35 USC 120 of the United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application(s) in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Serial Number	Filing Date	Status
PCT/EP00/03997	4 May 2000	Pending

I hereby appoint as attorneys to prosecute this application and to transact all business connected therewith: Herbert Dubno, Reg. 19,752; Jonathan Myers, Reg. 26,963; Andrew Wilford, Reg. 26,597 and each of them individually.

Address all correspondence to:

**The Firm of Karl F. Ross, P.C.  
Customer Number 535**

**5676 Riverdale Avenue, Box 900  
Bronx, New York 10471-0900  
(718) 884-6600**

Direct all telephone calls to:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or

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Ser. No. Not known - US phase of PCT/EP00/03997

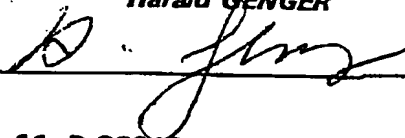
**COPY**

both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first Inventor:

**Harald GINGER**

Inventor's signature



Date:

29/11/01

Residence: **Starnberg, Germany**

Post-office Address: **Wildmoosstrasse 11, D-82319 Starnberg, Germany**

**Citizen of Germany**

Full name of second Inventor:

**Claus NEGELE**

Inventor's signature

Date:

Residence: **München, Germany**

Post-office Address: **Hohenzollernstrasse 50, D-80801 München, Germany**

**Citizen of Germany**



**COPY**

54

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that: My residence, post-office address, and citizenship are as stated below next to my name,  
I believe that I am an original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**DEVICE FOR DETECTING ELECTRICAL POTENTIALS IN THE FOREHEAD AREA OF A PATIENT**

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Serial Number	Filing Date	Status
PCT/EP00/03997	4 May 2000	Pending

I hereby appoint as attorneys to prosecute this application and to transact all business connected therewith: Herbert Dubno, Reg. 19,752; Jonathan Myers, Reg. 26,963; Andrew Wilford, Reg. 26,597 and each of them individually.

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Customer Number 535**

**5676 Riverdale Avenue, Box 900  
Bronx, New York 10471-0900  
(718) 884-6600**

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and those like so made are punishable by fine or imprisonment, or

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Ser. No. Not known - US phase of PCT/EP00/03997

both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Harald Genger**

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence: **Starnberg, Germany**

Citizen of **G rmany**

Post-office Address: **Wildmoosstrasse 11, D-82319 Starnberg, Germany**

Full name of second inventor: **Claus Negele**

Inventor's signature C. Negele Date: 17.12.01

Residence: **München, Germany**

Citizen of **Germany**

Post-office Address: **Hohenzollernstrasse 50, D-80801 München, Germany**

Total number of pages including cover sheet, attachments, and volumetric

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 \*\*\* RX REPORT \*\*\*  
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## INCOMPLETE RECEPTION

TX/RX NO 8948  
 CONNECTION TEL 718 601 1099  
 SUBADDRESS  
 CONNECTION ID  
 ST. TIME 02/28 15:53  
 USAGE T 11'39  
 PGS. 12  
 RESULT NG

START TIME 02/28 15:53  
 OTHER PARTY 718 601 1099  
 MAKER CODE 00000000  
 RCV V.8 FRAME E0 81 85 D4 7E 00 00 00  
 SYMBOL RATE 3200  
 DATA RATE 4.8  
 TX LVL REDUCTION 0  
 ERR ABCODE 00  
 ERR SECTXB 80  
 ERR SECRXB 80

Rx : (bit 1) 00000000 01000010 00011111 00100011 00000001 00000001 00000001 (bit56)  
 (bit57) 00000001 00000001 00000000 00000000 00000000 (bit96)  
 Tx : (bit 1) 00000100 01000011 00010101 00100011 00000001 10101001 00000001 (bit56)  
 (bit57) 00000001 00000001 00000100 00000000 00000000 (bit96)

Rx : RR	PIX-048 PPS-MPS	PIX-048 PPS-MPS	PIX-048 PPS-MPS	PIX-048 PPS-
Tx :	MCF	MCF	MCF	MCF
Rx : MPS	PIX-048 PPS-MPS	PIX-048 PPS-MPS	PIX-048 PPS-MPS	PIX-048
Tx :	MCF	MCF	MCF	MCF DCN